

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE CITY OF BLAINE, *et al.*,

Plaintiffs,

v.

GOLDER ASSOCIATES, INC., *et al.*,

Defendants.

No. C03-0813RSL

ORDER GRANTING PLAINTIFFS'
MOTION IN LIMINE REGARDING
THE ALLEGED FAULT OF NON-
PARTIES

This matter comes before the Court on “Plaintiffs’ Motion in Limine Regarding Defendants’ Assertions in the Pretrial Order Regarding Their Intent to Apportion Fault to Non-Party Entities.” Dkt. # 338.¹ When given the opportunity to present evidence in support of their apportionment argument, defendants stated that their defense would turn on the City’s acts and omissions, not those of non-parties. Defendants failed to come forward with any evidence to support their contention that some non-party entity was negligent or otherwise caused the injuries and damages at issue in this litigation. The fault of non-parties was therefore excluded from the case at the summary judgment stage and again in the first round of motions in limine. Defendants will not be permitted to introduce evidence or otherwise argue that a non-party was

¹ This matter can be decided on the papers submitted by the parties. Plaintiffs’ request for oral argument is DENIED.

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1 negligent or caused plaintiffs' damages.

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3 For all of the foregoing reasons, plaintiffs' motion in limine regarding the alleged
4 fault of non-parties is GRANTED.

5 DATED this 12th day of May, 2006.

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9 Robert S. Lasnik
10 United States District Judge
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